

**LORI HARPER SUEK**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**James F. Battin U.S. Courthouse**  
**2601 Second Ave. North, Suite 3200**  
**Billings, MT 59101**  
**Phone: (406) 657-6101**  
**FAX: (406) 657-6989**  
**E-Mail: Lori.Suek@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>CAMERON EMMANUEL FALLS</b> <b>DOWN, AKA <i>Cameron Emmanuel</i></b> <b><i>Gutierrez</i></b>  <b>Defendant.</b>	<b>CR 17-04-BLG-SPW-1</b>  <b>OFFER OF PROOF</b>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

The defendant, Cameron Emmanuel Falls Down, is charged by indictment with attempted robbery, in violation of 18 U.S.C. §§ 1153(a), 2111, and 2.

## **PLEA AGREEMENT**

There is no plea agreement. The defendant will plead guilty to the indictment. Resolution of the case without a plea agreement is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 133 (2012).

## **ELEMENTS OF THE CHARGE**

In order for Falls Down to be found guilty of attempted robbery, as charged in the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

**First**, the defendant is an Indian person;

**Second**, the attempted robbery occurred in Indian Country;

**Third**, the defendant intended to use force, violence, or intimidation to take something of value;

**Fourth**, the defendant did so in the presence or from the person of another; and

**Fifth**, the defendant took a substantial step toward committing the crime.

## **PENALTY**

This offense carries a maximum punishment of fifteen years of imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

## **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

On August 2, 2016, a longtime employee of the Billings Gazette was delivering papers to the IGA in Lodge Grass, within the boundaries of the Crow Indian Reservation, at approximately 3:30 a.m. He was driving a 2006 Chevrolet sedan. He pulled up to the IGA and immediately heard and saw the defendants running in his direction and yelling at him. He dropped the papers, got back into his car, quickly, and put the car in gear to lock the doors.

The four defendants surrounded his car. The defendant standing by the driver's window said, "This is a nice-ass car, homie, I want your car." The defendant on the passenger side of the car thumped on the car and shone a flashlight in the employee's eyes. The employee waited until there was no one standing in front of his car and then he drove away quickly. As he drove away, Falls Down pulled out a CO2 pistol and fired at the car. The employee heard a popping sound and thought it sounded like a .22 caliber gun. Only later, when he inspected his car and saw a dent, did he realize that a real gun probably did not make the popping sound.

The defendants were interviewed during the investigation. Additionally, Rowland has previously entered a guilty plea and made statements under oath during that hearing. At least some of the defendants admit that statements were made to the effect of, “should we roll him,” “should we get a car,” “show me how it’s done,” “hey home boy, I like your car.” Several of the defendants identify Falls Down as the one with the gun. Falls Down claimed during his pretrial interview that he handed the gun to one of the other defendants. Rowland admitted at his change of plea that he intended to steal money from the employee.

There is a video of the entire event from the surveillance camera at the IGA.

The defendant is an enrolled member of the Crow Tribe.

DATED this 21st day of December, 2017.

KURT G. ALME  
United States Attorney

/s/ Lori Harper Suek  
LORI HARPER SUEK  
Assistant U.S. Attorney